

Monica Mitchell
1683 Tamarron Drive
Corona, CA 92883
Tel. 951-316-3298
Fax 951-639-3793
Email: monica_graham@rocketmail.com

Plaintiff in Pro per

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ED CV 12 - 02084

PASPx

MONICA MITCHELL, an) CASE NO.
individual,)
Plaintiff,) COMPLAINT AND DEMAND
vs.) FOR TRIAL BY JURY
WESTERN DENTAL SERVICES,)
INC. and Does 1-10, inclusive,)
Defendants.)

The Plaintiff, Monica Mitchell, hereby complains against the
Defendant, WESTERN DENTAL SERVICES, INC. alleges and states
her claim as follows:

///

///

FREE PAID

2012 NOV 28 AM 10:29
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE
BY *[Signature]*

FILED

PRELIMINARY STATEMENT

1
2 1. This is an action for actual and statutory damages for violations
3 of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15
4 U.S.C. §1692 et seq. and the Telephone Consumer Protection Act, Sec.
5 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii) (hereafter the "TCPA").
6
7

PARTIES

8
9 2. Plaintiff, Monica Mitchell ("Plaintiff" or "Mitchell") is a natural
10 person and at all times a resident of the state of California and the
11 County of Riverside, and a "consumer" as that term is defined by 15
12 U.S.C. §1692a(3).
13
14

15 3. Defendant Western Dental Services, Inc. ("Western Dental") is a
16 "creditor" as that term is defined by 15 U.S.C. §1692a(4) and a "debt
17 collector" as that term is defined by 15 U.S.C. §1692a(6) and sought to
18 collect a consumer debt from Plaintiff.
19

20 4. Defendant acted through its agents, employees, officers,
21 members, directors, heirs, successors, assigns, principals, trustees,
22 sureties, subrogees, representatives, and insurers.
23
24

JURISDICTION AND VENUE

25
26 5. Jurisdiction of this Court arises pursuant to 15 U.S.C. §1692k,
27 which states that such actions may be brought and heard before "any
28

1 appropriate United States district court without regard to the amount
2 in controversy,” under 47 U.S.C. §227(b)(3), and 28 U.S.C. §1331 grants
3 this court original jurisdiction of all civil actions arising under the laws
4 of the United States.
5

6 6. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this
7 District is proper in that the Plaintiff resides here, the Defendant
8 transacts business here, and the conduct complained of occurred here.
9

10 7. Declaratory relief is available pursuant to 28 U.S.C. §§2201 and
11 2202.
12

13 8. This is an action for damages which exceed \$75,000.00.
14

15 FACTUAL ALLEGATIONS

16 9. At all pertinent times hereto, Defendant Western Dental was
17 attempting to collect a consumer debt from Plaintiff.
18

19 10. The alleged debt at issue arose out of transactions, which were
20 primarily for personal, family, or household purposes and is therefore a
21 “debt” as that term is defined by 15 U.S.C. §1692a(5).
22

23 11. Beginning in or before September 28, 2012, Defendant Western
24 Dental constantly and continuously placed collection calls to Plaintiff
25 seeking and demanding payment for an alleged debt owed, notably,
26 automated telephone calls as defined by the TCPA.
27
28

1 12. On September 28, 2012, Plaintiff faxed a Cease and Desist Letter
2 to Defendant Western Dental demanding that all telephone calls to
3 Plaintiff shall cease immediately, specifically that Defendant could not
4 call the number 951-316-3298. *See* Exhibit "1".

6 13. On October 3, 2012 at approximately 1:34 p.m., Defendant
7 Western Dental placed an automated telephone call to Plaintiff's
8 cellular phone, the first in violation of Plaintiff's cease and desist letter.
9

10 14. On October 4, 2012, at approximately 2:04 p.m., Defendant
11 Western Dental placed an automated telephone call to Plaintiff's
12 cellular phone, the second in violation of Plaintiff's cease and desist
13 letter.
14

15 15. Then, on October 6, 2012 at approximately 11:43 a.m., Defendant
16 Western Dental placed a third and fourth automated telephone call to
17 Plaintiff's cellular phone.
18

19 16. On October 7, 2012 at 4:33 p.m. and again at 7:22 p.m., Defendant
20 placed a fifth and sixth automated telephone call to Plaintiff's cellular
21 phone.
22

23 17. On October 9, 2012 at 12:32 p.m., Defendant placed a seventh
24 automated telephone call to Plaintiff's cellular phone.
25

26 18. On October 10, 2012, Plaintiff caused to fax and mail a Notice of
27
28

1 Intent to File Lawsuit to Defendant. See Exhibit "2" attached hereto
2 and incorporated herein by this reference.

3 19. On October 24, 2012 at 1:23 p.m., Defendant Western Dental
4 placed an eighth automated telephone call to Plaintiff's cellular phone.

5 20. On October 25, 2012 at 12:24 p.m., 6:47 p.m. and 7:25 p.m.,
6 Defendant placed a ninth, tenth and eleventh automated telephone call
7 to Plaintiff's cellular phone.
8

9 21. On October 26, 2012 at 9:17 a.m. and 10:14 a.m., Defendant
10 Western Dental placed a twelfth and thirteenth automated telephone
11 call to Plaintiff's cellular phone.
12

13 22. From October 27, 2012 to present date, Defendant Western
14 Dental placed at least six additional automated telephone calls to
15 Plaintiff's cellular phone.
16

17 23. In all of the phone calls to Plaintiff, the automated system
18 announces "Hello, this is a call for Monica Mitchell. This is
19 [Representative's Name] calling from Western Dental. Please hold for
20 an important call. All calls are monitored and recorded for quality
21 control purposes. This is an attempt to collect a debt."
22

23 24. Defendant Western Dental placed constant collection calls to
24 Plaintiff from telephone numbers: 877-703-4109, 877-703-4110 and
25
26
27
28

1 866-620-8390.

2 25. Defendant Western Dental's sole purpose in contacting Plaintiff
3 several times a day and/or once every two, three, four or five days, was
4 to harass Plaintiff.
5

6 26. From October 2, 2012 through October 26, 2012, Defendant
7 Western Dental violated the TCPA by leaving XX recorded messages
8 using automatic telephone dialing system or artificial or prerecorded
9 voices on Plaintiffs cell phone.
10

11
12 27. From October 2, 2012 through November 27, 2012, Defendant
13 Western Dental violated the TCPA by calling Plaintiff's cell phone 19
14 times without permission or authority given by Plaintiff.
15

16 28. From October 2, 2012 through November 27, 2012, Defendant
17 Western Dental violated the TCPA by leaving recorded messages on
18 Plaintiff's cell phone without express permission.
19

20 29. Through this conduct, Defendant Western Dental engaged in
21 conduct the natural consequence of which was to harass, oppress, or
22 abuse a person in connection with the collection of a debt.
23

24 Consequently, Defendant Western Dental violated 15 U.S.C. §1692d.
25

26 30. Through this conduct, Defendant Western Dental used an unfair
27 or unconscionable means to collect or attempt to collect a debt.
28

1 Consequently, Defendant Western Dental violated 15 U.S.C. §1692f.

2 31. Through this conduct, Defendant Western Dental caused Plaintiff
3 emotional stress and duress.
4

5 **FIRST CLAIM FOR RELIEF**

6 **VIOLATION OF FDCA 15 U.S.C. §1692d**

7 **BY DEFENDANT WESTERN DENTAL SERVICES, INC.**

8
9 32. Plaintiff incorporates by reference all of the above paragraphs of
10 this Complaint as though fully stated herein.
11

12 33. The foregoing acts and omissions constitute numerous and
13 multiple violations of the FDCA, inclusive 15 U.S.C. §1692d.
14

15 34. As a result of each and every violation of 15 U.S.C. §1692d,
16 Plaintiff is entitled to statutory damages in an amount up to \$1,000.00
17 from each and every defendant, jointly and severally.
18

19 **SECOND CLAIM FOR RELIEF**

20 **VIOLATION OF THE FDCA 15 U.S.C. §1692f**

21 **BY DEFENDANT WESTERN DENTAL SERVICES, INC.**

22
23 35. Plaintiff incorporates by reference all of the above paragraphs of
24 this Complaint as though fully stated herein.
25

26 36. The foregoing acts and omissions constitute numerous and
27 multiple violations of the FDCA, inclusive 15 U.S.C. §1692f.
28

37. As a result of each and every violation of 15 U.S.C. §1692f, Plaintiff is entitled to statutory damages in an amount up to \$1,000.00 from each and every defendant, jointly and severally.

THIRD CLAIM FOR RELIEF

VIOLATIONS OF THE TELEPHONE

COMMUNICATIONS ACT 47 U.S.C. §227

BY DEFENDANT WESTERN DENTAL SERVICES, INC.

38. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

39. Defendant Western Dental has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular telephone service.

40. Defendant Western Dental has committed 19 separate violations of 47 U.S.C. §227(b)(1)(A) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).

41. Defendant Western Dental has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) The last 19 calls are subject to treble damages pursuant to 47 U.S.C. §227(b)(3) as they were intentional. Plaintiff spoke with Defendant Western Dental's

1 representatives twice after sending a cease communication letter and
2 twice after receiving the Notice of Intent to Sue Letter and blatantly
3 ignored federal and state laws by continuing the harassing calls to
4 Plaintiff. Since then Defendant Western Dental refuses and continues
5 to violate 47 U.S.C. An unintentional call carries a damage amount of
6 \$500; an intentional call carries a damage amount of \$1,500 per
7 violation.
8

9
10 42. Defendant Western Dental has demonstrated willful or knowing
11 non-compliance with 47 U.S.C. §227(b)(1)(A) by calling the Plaintiff's
12 number, which is assigned to a cellular telephone service. The Plaintiff
13 has never given Defendant Western Dental permission to call Plaintiffs
14 cell phone as of September 28, 2012. Plaintiff is entitled to damages of
15 \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).
16
17

18
19 43. Defendant Western Dental has demonstrated willful or knowing
20 non-compliance with 47 U.S.C. §227(b)(1)(A) by continuing to call
21 Plaintiff 19 times after receiving the cease communication letter in
22 violation of 47 U.S.C. §227.
23

24 WHEREFORE, Plaintiff demands judgment for damages against
25 Defendant Western Dental for actual or statutory damages, and
26 punitive damages, and costs.
27
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- a. An award of actual damages pursuant to 15 U.S.C. §1692k(a)(1);
- b. An award of statutory damages of \$1,000.00 as to each and every violation of 15 U.S.C. §§1692d, and f as to each defendant;
- c. Declaratory judgment that Defendant Western Dental Services, Inc. violated the FDCPA and TCPA;
- d. Statutory damages pursuant to the TCPA, \$1,500.00 to Plaintiff, for each violation;
- e. Costs and reasonable attorneys' fees, if and when applicable, pursuant to 15 U.S.C. §1692k(a)(3);
- f. Any other relief that this Honorable Court deems appropriate.

Respectfully submitted this 27th day of November, 2012.


Monica Mitchell, Plaintiff in Pro Per

///

///

///

1
2
3 DEMAND FOR TRIAL BY JURY

4 PLEASE TAKE NOTICE that Plaintiff demands a trial by jury in
5 this case.

6 
7 Monica Mitchell, Plaintiff in Pro Per

8 VERIFICATION

9 I, Monica Mitchell, am the Plaintiff in the above-entitled action. I
10 have read the foregoing Complaint and know the contents thereof. The
11 same is true of my own knowledge, except as to those matters which
12 are therein alleged on information and belief, and as to those matters, I
13 believe it to be true. I declare under penalty of perjury under the laws
14 of the United States of America that the foregoing is true and correct
15 and that this declaration was executed this 27th day of November,
16 2012, in Corona, California.
17
18

19 
20 Monica Mitchell
21
22
23
24
25
26
27
28

PLAINTIFF'S EXHIBITS

Cease and Desist Letter

1

Notice of Intent to File Lawsuit

2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1

Monica Mitchell
1683 Tamarron Drive
Corona, CA 92883

September 28, 2012

Western Dental
Via Facsimile Transmittal 714/571-3570

Re: Account of Monica Mitchell

To whom it may concern:

Pursuant to my rights under federal debt collection laws, I am requesting that you cease and desist communication with me, as well as my family and friends, in relation to this and all other alleged debts you claim I owe. I repeat, you do not have permission to call my cell phone @ 951-316-3298.

You are hereby notified that if you do not comply with this request, I will immediately file a complaint with the Federal Trade Commission and the California Attorney General's office.

Civil and criminal claims will be pursued.

Sincerely,



Monica Mitchell

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 2

Monica Mitchell-Graham
Erwin Graham
1683 Tamarron Drive
Corona, CA 92883

October 10, 2012

Via Facsimile Transmittal 714/571-3570 and U.S. Mail

Western Dental Services, Inc.
P.O. Box 14228
Orange, CA 92863-1228

Notice of Intent to File Lawsuit

Re: Account #10-049472

To Whom It May Concern:

Please be advised that this letter shall serve as formal notice of our intent to file a lawsuit against your company, due to your negligence and blatant and objectionable disregard of the law, for extensive damages for violating, including, but not limited to, the Telephone Collection Practices Act ("TCPA") and the Fair Debt Collection Practices Act ("FDCPA").

If you wish to resolve this matter, this will be your last opportunity to do so. In the meantime, the amount of \$1500.00 per violation shall continue to accrue with each additional violation by your company. Western Dental has no later than 2:00 p.m. PST Monday, October 15, 2012 to resolve this matter, and you may only make contact by email: monica_graham@rocketmail.com. We hereby put you on notice that Western Dental's failure to do so may result in WESTERN DENTAL SERVICES, INC. to be named in a lawsuit for full civil liability.

Submitted with All Rights Reserved,



Monica Mitchell-Graham



Erwin Graham

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

I, J. Davis, declare as follows:

I am employed in Riverside County, I am over the age of eighteen years and am not a party to the within entitled action; my business address is 200 Main Street #100, Corona, CA 92882.

On October 10, 2012, I served the following:

NOTICE OF INTENT TO FILE LAWSUIT

On interested parties in said action by United States Mail, postage prepaid, addressed as follows:

Western Dental Services, Inc.
P.O. Box 14228
Orange, CA 92863-1228

I personally deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Corona, California, in the ordinary course of business. I am not a registered California process server.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 10, 2012, at Corona, California

By: 

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Percy Anderson and the assigned discovery Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

EDCV12- 2084 PA (SPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I (a) PLAINTIFFS** (Check box if you are representing yourself ☒)
MONICA MITCHELL**DEFENDANTS**
WESTERN DENTAL SERVICES, INC.**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)MONICA MITCHELL IN PRO PER (951) 316-3298
1683 TAMARRON DRIVE
CORONA, CA 92883

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | | | |
|---|--|---|--|
| Citizen of This State | PTF DEF
<input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF DEF
<input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT:** \$ 75,000.00**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
15 USC 1692D, F, TCPA**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

ED CV 12 - 02084 PA SPX

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
RIVERSIDE	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
RIVERSIDE	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

11-27-12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Name & Address:

Monica Mitchell

1683 Tamarron Dr.

Corona, CA 92883

951-316-3298

monica_graham@rocketmail.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MONICA MITCHELL, an individual

CASE NUMBER

12 - 02084 PA

v.

PLAINTIFF(S)

WESTERN DENTAL SERVICES, INC. and Does 1
through 10, inclusive

SPX

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Monica Mitchell in Pro Per, whose address is 1683 Tamarron Drive, Corona, CA 92883. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

TERRY NAFISI

Clerk, U.S. District Court

MARGO HEAD

Dated: _____

By: _____



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

(1134)